

**MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 28 May 2008 at 2.00 p.m.**

**Present:** Councillor PGH Cutter (Chairman)

**Councillors:** CM Bartrum, AE Gray, G Lucas, RH Smith, DC Taylor and JB Williams

**In attendance:** Councillors TW Hunt and RV Stockton

**1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN**

Councillor PGH Cutter, recently appointed Chairman of the Southern Area Planning Sub-Committee, thanked the previous Chairman, Councillor G Lucas, for his hard work throughout the preceding 12 months. Councillor G Lucas thanked the Officers for the support and guidance they had offered him during his time as Chairman.

**2. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors H Bramer, BA Durkin, MJ Fishley, JA Hyde, and JG Jarvis.

**3. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillors</b>	<b>Item</b>	<b>Interest</b>
AE Gray G Lucas	Agenda Item 6  DCSE2007/3618/C – Alterations and refurbishment of 27 Brookend Street and demolition of the separate detached rear commercial premises.  DCSE2007/3619/F – Alterations and extensions to 27 Brookend Street including new shop front and extension to retail unit and 4 no. existing flats. Demolition of the detached commercial building to the rear and erection of 9 no. new build residential dwelling apartments.  <b>Palma Court, 27 Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EE.</b>	A prejudicial interest was declared and both members left the meeting for the duration of the item.

**4. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 30 April 2008 be approved as a correct record and signed by the Chairman.

**5. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee noted the Council's current position in respect of planning appeals for the southern area of Herefordshire.

**6. DCSE2007/3618/C AND DCSE2007/3619/F - PALMA COURT, 27 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE. (AGENDA ITEM 6)**

- A) *Alterations and refurbishment of 27 Brookend Street and demolition of the separate detached rear commercial premises.*
- B) *Alterations and extensions to 27 Brookend Street including new shop front and extension to retail unit and 4 no. existing flats. Demolition of the detached commercial building to the rear and erection of 9 no. new build residential dwelling apartments.*

In accordance with the Code of Conduct, Councillor AE Gray, who had declared a prejudicial interest in respect of the item, addressed the sub-committee before withdrawing from the meeting for the ensuing debate and vote.

The Senior Planning Officer reported the following updates:

- Further to members' deferral of the application to seek off site highway works, a pedestrian crossing in Station Street, the Traffic Manager commented that of the possible crossings assessed in Ross, Millpond Street would provide for the larger number of pedestrians.

Councillor CM Bartrum felt that the site inspection had been beneficial to members. He said that he supported the application in principal but had reservations in some areas as he felt that a wall would be more suitable than a fence on the boundary, and that opaque glazing should be used to avoid any issues of overlooking for the neighbouring residents. Finally he advised the committee that he supported the Traffic Manager's suggestion of a crossing on Millpond Street.

In response to a question raised by Councillor CM Bartrum, the Development Control Manager advised that Ross Town Council had not been consulted in respect of the Section 106 agreement as the application was submitted prior to 1 April 2008. He confirmed that under the new Planning Obligations this consultation would have taken place.

Councillor RH Smith concurred with Councillor CM Bartrum in respect of the wall and the resiting of the proposed pedestrian crossing to Millpond Street.

Members discussed the application thoroughly and on balance felt that it should be approved subject to the Section 106 agreement being amended to include a contribution towards a pedestrian crossing on Millpond Street. They also requested a further condition be added to the recommendation to ensure that the applicant erected a wall instead of a fence on the boundary of the application site.

**RESOLVED**

**In respect of DCSE2007/3618/C**

That Conservation Area Consent be granted subject to the following condition:

- 1 D01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

- 1 N19 - Avoidance of doubt
- 2 N15 - Reason(s) for the Grant of Conservation Area Consent.

In respect of DCSE2007/3619/F:

That:

- (1) The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms as he considers appropriate.
- (2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue Conservation Area Consent subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

- 3 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

- 4 E04 (Submission of foundation design)

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

- 5 No development shall commence until a scheme for the provision and implementation of a surface water regulation system including the Sustainable Urban Drainage System, as detailed in the Flood Risk Assessment, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent the increased risk of flooding and provide water

quality benefits by ensuring the provision of a sustainable means of surface water disposal.

- 6 Prior to the occupation of the development, an Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include full details of proposed awareness training and procedures for evacuation of persons and property and method and procedures for timed evacuation. It shall also include a commitment to retain and update the plan and include a timescale for revision of the plan.

Reason: To minimise the flood related danger to people in the flood risk area.

- 7 Prior to the first occupation of the development flood-free access as shown on drawing number 50026-01, dated 3/1/08, including finished ground levels no lower than 33.19 metres AOD along the route, shall be in place and thereafter maintained.

Reason: To ensure a safe development and prevent flood risk.

- 8 The finished floor levels of the dwellings hereby permitted shall be no lower than 33.80 metres AOD, with finished floor level of the café set no lower than the existing and flood proofing techniques incorporated at least 33.80 metres AOD, in accordance with the Flood Proofing and Flood Resilient Construction in the Flood Risk Assessment Addendum, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a safe development and prevent flood risk.

- 9 L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

- 10 L02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 11 L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 12 Before development commences architectural details of the shopfront to a scale of 1:1 or 1:5 shall be submitted to the local planning authority approved in writing.

Reason: To safeguard the character and appearance of the building.

- 13 Prior to the commencement of the development hereby approved, details of a 1.8 metre high wall (to replace the existing fence) between the application site and the boundary with Palma Court (southern boundary) shall be submitted to and approved in writing by the local planning authority. The boundary wall shall be constructed in accordance with the approved details prior to the first occupation of the

retail unit/apartments hereby approved and thereafter retained insitu.

**Reason:** In order to enhance the visual amenities of the area and maintain privacy in accordance with policies DR2 and HBA6 of the Herefordshire Unitary Development Plan.

**INFORMATIVES:**

- 1 **W01 - Welsh Water Connection to PSS**
  - 2 **N19 - Avoidance of doubt**
  - 3 **N15 - Reason(s) for the Grant of Planning Permission**
7. **DCSE2008/0710/O - 1 WOODVIEW, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SY. (AGENDA ITEM 7)**

*Erection of detached house and garage to include joint access with 1 Woodview.*

The Senior Planning Officer reported the following:

- Following the deferral of this application the applicant's agent met the Traffic Manager to resolve the highway objection, and has submitted amended plans that show a 2 metre x 30 metre visibility splay as recommended. While, this would appear to meet the requirements of the Traffic Manager a speed survey has been requested. This has not been received.

A further letter has been received from Mr and Mrs GP Smith, 2 Woodview, Pontshill. The main points raised are:

- We understand the application was deferred due to an issue with the driveway and access;
- We very much hope that all guidelines regarding planning in an area designated as open countryside will be adhered to; and
- We remain concerned with drainage in the area.

The Solicitor (Corporate) has stated the Council was the freeholder of this land and transferred it to Mrs Caldicutt in 2002 with a restrictive covenant that it should be used as a garage and garden area.

Councillor RH Smith noted that even though the highways issues could be resolved the primary reason for refusal was due to the application being contrary to policy H7 of the Unitary Development Plan. He felt that the application site fell within open countryside and should therefore be refused accordingly.

Councillor JB Williams noted that the application would have been approved under the previous South Herefordshire Plan. He advised members that there were a number of dwellings in the area and felt that the site should not be classed as open countryside.

**RESOLVED**

**That planning permission be refused for the following reasons:**

- 1 **The site is located outside a smaller settlement or main village identified for further residential development in the Herefordshire Unitary**

Development Plan 2007. For the purpose of planning policy the site is located in open countryside where new housing development would be contrary to policy H7. The proposal would also detract from and relate poorly to the planned layout of Woodview, resulting in overlooking from those dwellings. There is no justification for the proposal such that an exception should be made.

- 2 Pontshill does not have the level of services or public transport necessary to consider it an appropriate place for further housing development. As a consequence the occupants of the proposed dwelling would rely on the use of private transport. Consequently the proposal is not considered sustainable. Accordingly, the proposal conflicts with policies S1, S2, S3 and S6 of the Herefordshire Unitary Development Plan 2007, and the advice relating to sustainable development contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Guidance 13: Transport.
- 3 It is not considered that the access arrangements provide adequate visibility splays and accordingly the proposal would be detrimental to highway safety and conflict with policies S6 and DR3 of the Herefordshire Unitary Development Plan 2007.

8. **DCSW2008/0911/RM - SANDRIDGE, BARRACK HILL, LITTLE BIRCH, HEREFORD, HR2 8AY. (AGENDA ITEM 8)**

*New dwelling in garden of Sandridge.*

The Planning Officer reported the following updates:

- Further supporting documentation received on 15 May 2008 from the applicant's agent.

In accordance with the criteria for public speaking Mr Phillips, the applicant, spoke in support of the application.

Councillor RH Smith, the local ward member, noted that the issues raised by the Parish Council had been addressed and therefore supported the application.

**RESOLVED**

**That planning permission be granted subject to the following conditions:**

- 1 **A01 (Time limit for commencement (full permission))**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
- 2 **B03 (Amended plans)**  
**Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**
- 3 **C01 (Samples of external materials)**

**Reason:** To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 4** Before work commences, details of windows and their openings, doors and their openings at a minimum scale of 1:5 for general arrangements shall be submitted to the local planning authority. The work shall be subsequently only be carried out in accordance with details which have been approved in writing by the local planning authority.

**Reason:** To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 5** D06 (External finish of flues)

**Reason:** To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 6** Before development commences, details or specification of the type and size of the solar panels to be situated on the roof shall be submitted to and approved in writing by the local planning authority.

**Reason:** In the interests of visual amenity so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

- 7** F15 (No windows in side elevation of extension)

**Reason:** In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 8** H10 (Parking - single house)

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

- 9** G02 (Retention of trees and hedgerows)

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

- 10** G12 (Hedgerow planting)

**Reason:** In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

**Informative(s):**

- 1** N19 - Avoidance of doubt - Approved Plans

- 2** N15 - Reason(s) for the Grant of Planning Permission

**SITE INSPECTION**

The Southern Team Leader requested that Members consider undertaking a site inspection at Homme Farm, Home Green, Ross on Wye. He felt that due to the scale of the application it may be beneficial for Members to see the site prior to the application coming before committee. Members agreed to view the site on 10 June 2008 at 10.00 am.

The meeting ended at 2.35 p.m.

**CHAIRMAN**